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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,577	02/19/2004	Shinichirou Miyajima	1448.1052	2497
21171 7590 01/08/2007 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005			EXAMINER TAYLOR, BARRY W	
			ART UNIT 2617	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE			MAIL DATE	DELIVERY MODE
3 MONTHS			01/08/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No. 10/780,577	Applicant(s) MIYAJIMA ET AL.	
	Examiner Barry W. Taylor	Art Unit 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____                                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date ____   | 6) <input type="checkbox"/> Other: ____                           |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

1. The claimed invention is directed to non-statutory subject matter. Claims 17-18 are non-statutory because they do not meet the interim guidelines, which require:

- a) computer program
- b) computer program readable storage medium
- c) computer program must be stored/encoded on the computer readable medium.

Therefore claims 17-18 are not proper, since claims 17-18 simply recite a computer program without the computer program being stored on a computer readable storage medium.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

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the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

2. Claims 1, 14 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango (5,732,078) in view of May (6,292,480).

Regarding claim 1. Arango teaches a LAN (title, abstract) comprising:

a host station (see 210 fig. 6), a relay station having a plurality of access points (220 and 240 figure 6) wherein the LAN includes:

a memory unit that temporarily stores transmission data that is data to be transmitted to an access point (col. 10 lines 27-57); and

a memory control unit that provides a control to store the transmission data in the memory unit at the time of switching from one access point to another access point, and to transmit the transmission data to the another access point when the LAN apparatus establishes a communication link with the another access point (col. 10 lines 27-57).

Arango does not explicitly show the LAN (i.e. items 210 and 250 in figure 6) being a radio LAN.

May also teaches a LAN environment (item 64 figure 1). May provides an electronic manager (see AVA in figure 1, col. 1 line 47 – col. 2 line 31) that provides an interface between a user using a communication device (see wired or wireless device

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on left side of figure 1) and a data network (11b figure 1) and/or telephone network (11a figure 1). May discloses that the AVA may be separate or integrated into switch (item 12 figure 1, col. 2 line 51 – col. 3 line 15), which as a result act as a cross-translator between voice and data networks (col. 3 lines 16-56). For example, May discloses that user makes call from hotel using his/her cell phone (item 16 figure 1) to a wireless switch (item 12 figure 1) to have documents faxed to the hotel that he/she is staying from the users computer (22 figure 1, col. 6 lines 18-55). Another example taught by May (col. 6 line 60 – col. 7 line 35) is to have all calls transferred to users cell phone. May also allows the user to place cell phone call to the AVA (i.e. wireless LAN) and provide users with the option of connecting to called party via data network in order to save money (col. 8 line 14 – col. 9 line 46).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the LAN (i.e. item 210 figure 6) as taught by Arango to include an intelligent interface as taught by May in order to allow users the ability to wirelessly access documents from their computers connected to LAN while they are staying at a hotel, as well as, allowing users the ability to make cell phone call that are routed over Internet thereby saving user money by using low cost Voice-over-IP connection.

Method claim 14 is rejected for the same reasons as system claim 1 since the recited apparatus would perform the claimed method steps.

Computer program claim 17 is rejected for the same reasons as system claim 1 and method claim 14 since the recited system and method would perform the program steps.

2. Claims 2-13, 15-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Arango (5,732,078) in view of May (6,292,480) further in view of Boer et al (2004/0101035 hereinafter Boer).

Regarding claims 2, 3 15 and 18. Arango in view of May do not explicitly show the radio LAN includes: a data smoothing unit that smoothes the input data to generate an output data while the input data is being read from the storage unit.

Boer also teaches WLAN (title, abstract) wherein data transmission rates are changed according to the presence or absence of acknowledgment messages (paragraphs 0002 – 0005).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the wireless LAN as taught by Arango in view of May to include the rate adaptation technique as taught by Boer in order to dynamically adjust data transmission rates in response to environmental conditions as taught by Boer.

Regarding claims 4-7. Arango in view of May do not explicitly show smoothing unit.

Boer also teaches WLAN (title, abstract) wherein data transmission rates are changed according to the presence or absence of acknowledgment messages (paragraphs 0002 – 0005).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the wireless LAN as taught by Arango in view of May to include the

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rate adaptation technique as taught by Boer in order to dynamically adjust data transmission rates in response to environmental conditions as taught by Boer.

Regarding claims 8-9 and 16. Arango in view of May do not show completion signal used.

Boer also teaches WLAN (title, abstract) wherein data transmission rates are changed according to the presence or absence of acknowledgment messages (paragraphs 0002 – 0005).

It would have been obvious for any one of ordinary skill in the art at the time of invention to modify the wireless LAN as taught by Arango in view of May to include the rate adaptation technique as taught by Boer in order to dynamically adjust data transmission rates in response to environmental conditions as taught by Boer.

Regarding claim 10-11. Boer teaches adjusting transmission data rate based on packet error rate or frame error rate (paragraph 0004).

Regarding claims 12-13. Boer teaches adjusting transmission rate based on timing information (paragraphs 0004, 0034 – 0043).

### ***Conclusion***

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barry W. Taylor, telephone number (571) 272-7509, who is available Monday-Thursday, 6:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost, can be reached at (571) 272-7872. The central facsimile phone number for this group is **571-273-8300**.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group 2600 receptionist whose telephone number is (571) 272-2600, the 2600 Customer Service telephone number is (571) 272-2600.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

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published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Centralized Delivery Policy:** For patent related correspondence, hand carry deliveries must be made to the Customer Service Window (now located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314), and facsimile transmissions must be sent to the central fax number (571-273-8300).

Barry W. Taylor  
Art Unit 2617

 11/21/07  
BARRY TAYLOR  
PRIMARY EXAMINER